

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21703 of 2024

Arising Out of PS. Case No.-68 Year-2021 Thana- CHORAUT District- Sitamarhi

Jaimukhi Devi @ Jaymukhi Devi Wife of Late Bauaji Mandal @ Late Bauejee Mandal Resident of Village- Choraut Tola Kokan, P.s.- Choraut, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Upendra Mukhiya Son of Late Rajendra Mukhiya Resident of Village- Choraut, P.S.- Choraut, District- Sitamarhi
3. Naresh Mandal Son of Late Rampriya Mandal Resident of Village- Choraut, P.S.- Choraut, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Garg
For the Opposite Party/s :	Mr. Shyam Kumar Singh, Advocate
	Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-07-2026 Heard the learned counsel for the petitioner and the learned counsel for the State.

2. The present application has been filed on behalf of the petitioner seeking cancellation of the anticipatory bail granted to Opposite Party Nos. 2 and 3, which was allowed vide order dated 17.04.2023 passed in A.B.P. No. 478 of 2023 by the learned Sessions Judge, Sitamarhi, in connection with Choraut P.S. Case No. 68 of 2021, initially registered for the offence punishable under Section 406 of the Indian Penal Code. However, during the course of the proceedings, the learned court below has taken cognizance of the offences punishable



under Sections 406, 420, 323, 504, and 409 of the Indian Penal Code.

3. The petitioner had earlier filed an application for cancellation of the anticipatory bail granted to Opposite Party Nos. 2 and 3, which was registered as Cr. Misc. No. 159 of 2023; however, the same was rejected by the learned Sessions Judge, Sitamarhi, vide order dated 16.12.2023.

4. Having considered the submissions advanced by the learned counsel for the parties and the materials available on record, this Court finds that no supervening circumstance has been brought on record to establish that Opposite Party Nos. 2 and 3 have misused the privilege of bail or violated any of the conditions imposed by the learned court below. No material has been placed before this Court warranting interference with the order granting anticipatory bail. Accordingly, this Court finds no sufficient ground to interfere with the impugned order.

5. Consequently, the present application stands dismissed.

6. However, liberty is granted to the petitioner to approach the Vigilance Department for registration of an appropriate case against the accused persons, if any defalcation is found to have been committed in relation to the Jal Nal Yojna.



In the event such an application is filed, the same shall be considered and disposed of by the Vigilance Department in accordance with law.

7. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present application. Such observations shall not be construed as an expression on the merits of the case.

(Sandeep Kumar, J)

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